

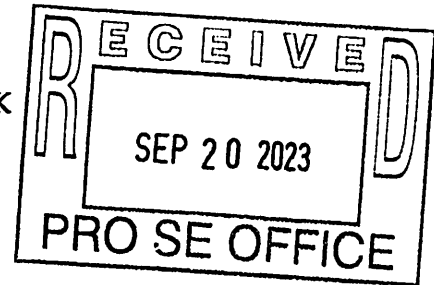
**ORIGINAL**

UNITED STATES DISTRICT COURT  
Eastern District of New York

Saul Sabino,

Plaintiff,

Fill in above the full name of each plaintiff or petitioner.



Case No. 20 CV 5861(EK)(JRC)

James Ogle, City of New York,  
et al.s

Defendants.

"Plaintiff's Declaration In-  
Re-submitting His Declaration  
In Opposition To Defendant(s)  
Motion To Dismiss / for Summary-  
Judgment Timely mailed on 9-5-23.  
To Be Enter Into The Docket with-  
Exhibit(s) As Proof(s) of Service."

Fill in above the full name of each defendant or  
respondent.

**DECLARATION**

Briefly explain above the purpose of the declaration, for example, "in Opposition to Defendant's  
Motion for Summary Judgment."

I, Saul Sabino, Plaintiff Pro Se, declare under penalty of perjury that the

following facts are true and correct:

In the space below, describe any facts that are relevant to the motion or that respond to a court  
order. You may also refer to and attach any relevant documents.

1. Plaintiff hereby humbly re-submits his Declaration In Opposition-  
To Defendant(s) Motion To Dismiss & for Summary Judgment timely-  
mailed on September 05<sup>th</sup>, 2023 and NOT received by this Court of NO-  
fault of the Plaintiff, and as proof(s) Plaintiff here-attached-  
"Exhibit(s) that clearly shows Plaintiff timely submitted &-  
mailed his above-said motion paper(s), and that in fact it-  
was NYS-Doccs-Franklin Correctional Facility that caused the delay-  
of not mailing the above-said motion papers on the September 05<sup>th</sup>-  
2023 Date it was given to the facility to be mailed to this Court & all parties,  
for this reasons I humbly ask this Court allow Plaintiff's Above-said-  
motion Paper(s) as timely filed, Thank you.

Plaintiff humbly ask this Court grant him Partial -  
 2). final Judgment and determination(s) under Rule 54(b), & 56, Fed. R. Civ. P. using all of Plaintiff's filed Pleadings with Exhibits as a whole, on all the claims of the Plaintiff that must be granted reliefs as a matter of Law per Rule 50, Fed. R. Civ. P. and may this Court grant Plaintiff Leave to both answer the remaining claims being Opposed and for Plaintiff to receive - the Discovery in the hands of both Defendant(s) that further supports and proofs plaintiff claims as a matter of Law, and any further reliefs as this Court may deem just. Thank you.

Attach additional pages and documents if necessary.

9-20-2023

Executed on (date)

Saul Sabino

Name

611 Edgecombe Avenue, New York, N.Y. 10032

Address

City

State

Zip Code

Prison Identification # (if incarcerated)

Telephone Number (if available)

E-mail Address (if available)

9-20-2023

Sabino v. James Ogle, City of New York, et al.

20-cv-5861(EK)(JRC)

Exhibit(s)

"Proof(s) that Plaintiff timely submitted his Declaration IN Opposition to Defendant(s) [Motion to Dismiss] for Summary Judgment on September 3<sup>rd</sup> & again on September 05<sup>th</sup> of 2023, however the Correctional facility of Franklin did NOT mail it out till after September 11, 2023 of No-Control, Nor-fault of the Plaintiff, which Federal-mail ~~Rule~~ Rule says it's consider mail or deliver-  
the minute Plaintiff's places into the mailbox- or mail delivery correctional officer which Plaintiff-  
did on September 05<sup>th</sup>, 2023."

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
 DISBURSEMENT OR REFUND REQUEST

NAME Saul Sabino CELL LOCATION D-2-5

INCARCERATED INDIVIDUAL NUMBER 23B0946 DATE 9/01st 20 23

CODE TYPE 183 postage  
435 Certified

SHORT NAME SSAB FIRST INITIAL S FIRST 3 OF LAST NAME SAB

CHECK/ORDER NUMBER 23B0946 RIGHT ADJUSTED WITH LEADING ZEROS 0000000000 AMOUNT \$ 435

COMMISSARY PRODUCT GROUP E U.S.E.D. N.Y. 20cv-5861 Summary Judgement

ITEM DESCRIPTION Legal Postage Fees - R-U.S.P.S. Certified Mail fee - R-

LAST NAME PRO SE UNITS, Clerk of U.S. District Court for Eastern District of New York FIRST NAME MI SUFF

ADDRESS 225 Cadman Plaza East APT. NO.  ZIP CODE 11201

CITY Brooklyn, STATE New York

SENT TO OR PURCHASE FROM

APPROVED [Signature] DATE 9/3/23 (SOURCE AREA)

APPROVED [Signature] DATE  (BUSINESS OFFICE)

Original - Business Office Yellow - Approving Office Pink - Incarcerated Individual

FORM 2706 (05/21)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
DISBURSEMENT OR REFUND REQUESTD-2-5  
CELL LOCATION

NAME

Saul Sabino

DATE

9-5

20

23

CODE TYPE

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

INCARCERATED INDIVIDUAL  
NUMBER

23 B 0946

"SHORT NAME"

S S A B

FIRST INITIAL  
FIRST 3 OF LAST NAME

CHECK/ORDER NUMBER

RIGHT ADJUSTED WITH LEADING ZEROS

COMMISSARY PRODUCT GROUP

E 451

AMOUNT \$

4.51

SENT TO CODE  
(SEE TABLE B-6)
☐
ITEM  
DESCRIPTIONLegal Postage fees - & - U.S. P.S. -  
certified mail fee & No. 7022-0410-0001-9957-4515SENT TO OR  
PURCHASE FROM

|           |   |            |          |          |       |
|-----------|---|------------|----------|----------|-------|
| LAST NAME | pro se Unit. clerk of the U.S. District court for - | FIRST NAME |          | MI       | SUFF  |
| ADDRESS   | Eastern District of New York                        |            |          |          |       |
| CITY      | 225 Cadman Plaza East                               | STATE      |          | ZIP CODE |       |
|           | Brooklyn  |            | New York |          | 11201 |

APPROVED

C. O. [Signature]  
(SOURCE AREA)

DATE

9/5/23

APPROVED

(BUSINESS OFFICE)

DATE

9/11/23

I HEREBY ACKNOWLEDGE EXPENDITURE  
OF THE AMOUNT TO BE DEDUCTED FROM  
MY INCARCERATED INDIVIDUAL ACCOUNT.[Signature]  
(INCARCERATED INDIVIDUAL SIGNATURE)

FORM 2708 (05/21)

Original - Business Office

Yellow - Approving Office

Pink - Incarcerated Individual

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

DISBURSEMENT OR REFUND REQUEST

D. 2-5

CELL LOCATION

NAME Saul Sabino

INCARCERATED INDIVIDUAL NUMBER 23B0946

DATE 9/05

SHORT NAME S S A B

FIRST INITIAL S

FIRST 3 OF LAST NAME SAB

CODE TYPE 114 postage

CHECK ORDER NUMBER 48

RIGHT ADJUSTED WITH LEADING ZEROS 48

AMOUNT \$ 48

COMMISSARY PRODUCT GROUP E

SENT TO CODE (SEE TABLE B-6) Legal postage fees

LAST NAME PRO SEC UNIT - CLERK of the U.S. District Court

ADDRESS EASTEN District of New York

CITY 225 Cadman Plaza East

STATE BROOKLYN

APPROVED Comptroller DATE 9/6/67

APPROVED VB DATE 9/11/67

I HEREBY ACKNOWLEDGE EXPENDITURE OF THE AMOUNT TO BE DEDUCTED FROM MY INCARCERATED INDIVIDUAL ACCOUNT.

APPROVED Saul Sabino (INCARCERATED INDIVIDUAL SIGNATURE)

APPROVED VB (BUSINESS OFFICE)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
DISBURSEMENT OR REFUND REQUEST

D-2-5  
CELL LOCATION

NAME Saul Sabino

DATE

9/01/23

20 23

|           |  |  |  |
|-----------|--|--|--|
| CODE TYPE |  |  |  |
|-----------|--|--|--|

INCARCERATED INDIVIDUAL  
NUMBER

23B0946

"SHORT NAME"

SSAB

FIRST INITIAL  
FIRST 3 OF LAST NAME

CHECK/ORDER NUMBER

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

RIGHT ADJUSTED WITH LEADING ZEROS

COMMISSARY PRODUCT GROUP

E

AMOUNT \$

618

SENT TO CODE  
(SEE TABLE B-6)

|  |
|--|
|  |
|--|

ITEM  
DESCRIPTION

Legal Postage Fees & U.S.P.S. Certified Mail fee &  
No. 7022-0410-0001-9957-4522

|           |                          |            |  |              |
|-----------|--------------------------|------------|--|--------------|
| LAST NAME | <u>Mr. Andrew Bianco</u> | FIRST NAME | <u>NYS Assistant Attorneys General</u> | SUFF         |
| ADDRESS   | <u>28 Liberty Street</u> |            |  |              |
| CITY      | <u>New York</u>          | STATE      | <u>New York</u>                        | ZIP CODE     |
|           |                          |            |  | <u>10005</u> |

APPROVED

[Signature]  
(SOURCE AREA)

DATE

9/12/23

APPROVED

[Signature]  
(BUSINESS OFFICE)

DATE

9/11/23

I HEREBY ACKNOWLEDGE EXPENDITURE  
OF THE AMOUNT TO BE DEDUCTED FROM  
MY INCARCERATED INDIVIDUAL ACCOUNT.

Saul Sabino  
(INCARCERATED INDIVIDUAL SIGNATURE)

FORM 2706 (05/21)

Original - Business Office

Yellow - Approving Office

Pink - Incarcerated Individual



STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
DISBURSEMENT OR REFUND REQUESTD-2-5  
CELL LOCATIONNAME  
**Saul Sabino**DATE  
09/01st

20 23

INCARCERATED INDIVIDUAL  
NUMBER

23B0946

"SHORT NAME"  
S S A BFIRST INITIAL  
FIRST 3 OF LAST NAMEU.S.E.D.N.Y. 20-cv-5861  
Deadline - Summary Judgment

CHECK ORDER NUMBER

RIGHT ADJUSTED WITH LEADING ZEROS

AMOUNT \$

435

Legal Postage Fees - U.S.P.S. Certified Mail fee & -  
DESCRIPTION No. 7022-0410-0001-9957-4485

LAST NAME FIRST NAME  
Mr. Jafse N. Zilinski NYC Assistant Corporation Counsel for -  
The City of New York Law Department  
100 Church Street  
New York, New York 10077

APT. NO.  
ZIP CODE

I HEREBY ACKNOWLEDGE EXPENDITURE  
OF THE AMOUNT TO BE DEDUCTED FROM  
MY INCARCERATED INDIVIDUAL ACCOUNT.

APPROVED

(SOURCE AREA)

DATE

APPROVED

(BUSINESS OFFICE)

DATE

FORM 2706 (05/21)

Original - Business Office

Yellow - Approving Office

Pink - Incarcerated Individual

(INCARCERATED INDIVIDUAL SIGNATURE)

Saul Sabino



1. Mr. Jesse N. Zilinski, Assistant Corp. Counsel  
Tel.# (212) 356-2381  
email: jzilinski@law.nyc.gov

2. Mr. Andrew Blacato, Assistant Attorney General of NYS  
Tel.# (212) 416-6359  
email: andrew.blacato@ag.ny.gov ; &  
OAGLitI@ag.ny.gov

3. Case Manager: Ms. Alicia Guy # (212) 613-2165-  
for Hon. Eric R. Komitee, U.S. District Judge, chambers #  
Courtroom: 6G North - E.D.N.Y. - U.S. District Court (212) 613-2160



KATHY HOCHUL  
Governor

## Corrections and Community Supervision

DANIEL F. MARTUSCELLO III  
Acting Commissioner

To: Sabino, Saul DIN 23B0946

D2-05B

From: C. Tourville, DSP

Re: Recent Correspondence

Date: September 13, 2023

A handwritten signature in black ink, appearing to read "C. Tourville".

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In reply to your correspondence, dated 9/11/23, I have checked with Correspondence, and both of your certified mail letters were sent out on 9/12/23. You should be receiving a copy of your pink disbursement from Incarcerated Individual Accounts in the Business Office.

Thank you.

cc: Correspondence (w/enc.)  
Business Office (w/enc.)

File